UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/087,916	03/04/2002	Keola R. Gomes	KG-1-gw	6546

7590 04/29/2003

Michael I. Kroll
171 Stillwell Lane
Syosset, NY 11791

EXAMINER	
AHMAD, NASSER	

ART UNIT	PAPER NUMBER
1772	2

DATE MAILED: 04/29/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

on 2

Office Action Summary

Application No.	Applicant(s)
10/087,916	Gomes
Examiner	**Art Unit**
Nasser Ahmad	1772

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *three* MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☐ Responsive to communication(s) filed on _____.

2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-15* is/are pending in the application.

4a) Of the above, claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-15* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) ☐ All b) ☐ Some* c) ☐ None of:

1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

a) ☐ The translation of the foreign language provisional application has been received.

15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____
4) ☐ Interview Summary (PTO-413) Paper No(s). _____
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other:

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1, section (a) recites "films attached to the transparent medium". This is found to be confusing because section (c) requires a "peel-off layer". It is unclear as to how is "films" attached in the presence of the "peel-off layer".

Claim 1, section (c), the phrase "said adhesive" is deemed to be indefinite. It is not clear as to "a peel-off layer disposed" on one adhesive or each of the plurality of adhesive disposed.

Claim 1, section (b), the phrase "said film" is deemed to be indefinite for lack of antecedent basis. It is unclear as to which of the film is referred to by said phrase.

Similarly, claims 4-7, 10 and 12, the phrase "said polarized film" is found to be indefinite for lack of antecedent basis.

Claims 7-9, as stated, are found to be confusing because said claims depend from previous claims reciting the same features. Hence said claims 7-9 fails to further limit the claimed invention.

Claim 15, s stated, is found to be confusing because it depends from claim 14 and it is unclear as to how is a patio door related to a vehicle side window or windshield.

Claim 1, section (a) and (b), as stated, is deemed to be confusing. It is not clear as to how can each film be attached to "the transparent medium and to each other"? Aren't the plurality of polarized film in a stack?

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-4 are rejected under 35 U.S.C. 102(e) as being anticipated by Miyatake (6,361,838).

Miyatake relates to an apparatus comprising a plurality of polarized films (11, 13, 15, 17) in a superposed stack, an adhesive (12, 14, 16, 2) disposed on the bottom side of each of said film, and a peel-off layer (21) disposed or the adhesive layer. The apparatus has maximum light transmittance of 50 % or smaller (col. 6, lines 14-19) and hence, an opacity rating of 50 %. The adhesive would inherently exhibit a curing time of about 72 hours with all conditions being the same. The birefrigent minute regions "e" reads on vertical polarization apertures filled with liquid crystalline resins (col. 2, line 65 to col. 3, line 3).

The film can have tint such as additives for color tone regulating (col. 5, lines 49-52).

The intended use phrases such as "for a polarized film", "for attachment", etc. have not been give patentable weight for said phrases are not deemed to be positive limitations.

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. Claims 1-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miyatake.

Miyatake, as discussed above, fails to teach that the apertures are of varying sizes. It would have been an obvious matter of design choice to modify Miyatake by providing apertures "e" of varying sizes to optimize light transmittance through said polarized film apparatus.

Further, the "angular polarization apertures" would have been obvious functional equivalent to Miyatake's vertical polarization apertures (see figure - 2) because it would still provide for light transmittance.

Similarly, providing a stack or roll of the film is also found to be obvious functional equivalent for facilitating storage and transportation.

8. Claims 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miyatake in view of Janssen (6,461,709).

Miyatake, as discussed above, fails to teach that the transparent medium is a vehicle windshield or window, or a patio door. Janssen disclose a stack of sheets

applied to a transparent medium such as a window, displays (abstract) or vehicles, doors (col. 6, lines 55-57) to provide for protection to the medium. Therefore, it would have been obvious to one having ordinary skill in the art to utilize Janssen's teaching of provide for a transparent window or door to which the stack of film is applied in the invention of Miyatake for protection and light transmittance.

9. The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

10. Claims 1-15 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The specification teaches the use of adhesive and its curing time period of approximately 72 hrs. However, there is no disclosure as to the type of adhesive of said information, the specification is not found to be enabling.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nasser Ahmad whose telephone number is 703-308-4424. The examiner can normally be reached on Monday-Thursday from 7:30 am to 5 pm. The examiner can also be reached on alternate Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon can be reached on 703-308-4251. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

NASSER AHMAD
PRIMARY EXAMINER

N. Ahmad/mn
April 28, 2003